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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,053

Applicant(s)

BOGAT, ANTONIO

Examiner

REXFORD N BARNIE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R/Pamie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 8-10, 15-17 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili (US Pat# 6,088,683) in view of Kwan (US 2002/0147658).

Regarding claims 1, 8, 15 and 21, Jalili teaches a computer network method for supporting transactions billed to an account through a telephone comprising of receiving merchant transaction data, receiving consumer transaction data through a telephone and a processing system which processing the merchant transaction and customer data to access a financial account so that approval for a transaction may be obtained in (see col. 2 line 15-col. 3 line 6 and see figs) in conjunction with ANI information.

Jalili fails to teach using a "cellular phone" as part of the transaction in conjunction with a telephone account identifier to which a transaction can be billed and in detail, the figs. shown in (see figs. 1-4).

Kwan teaches a computer network method for conducting payment over a network by debiting and crediting telephone accounts in (see figs. 1-4, col. 3 [0021-0026]-col. 4[0032]) by using a mobile telephone in conjunction with the system shown including a merchant site, customer data and a processor. Furthermore, querying of one's account is done to authenticate payment information.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kwan into that of Jalili thus making it possible to use any communication device either a cell phone or landline phone as means of confirming a transaction data since they are functionally equivalent and in the case of a mobile phone, it provides the ability to use one's phone over a wide geographical area. Furthermore, the combination reduces fraudulent charging of one's account by checking and collaborating ANI information.

Regarding claim 2, the combination teaches authentication of an account identifier either in the form of a credit card or a prepaid or telephone account identifier.

Regarding claims 3 and 9-10, the combination teaches sending approval to the merchant in (see col.3 lines 3-5 of Jalili) and to the customer terminal in (col. 2 {0012} of Kwan).

Regarding claim 16-17, the combination teaches the claimed subject matter.

Regarding claims 22-23, It's known to display purchase items and its prices for E-commerce or purchases generally over the internet and 9see col. 2 of Jalili).

Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwan (US 2002/0147658) in view of Apte (US Pat# 5,778,173).

Regarding claim 4, Kwan teaches a terminal for supporting consumer transactions billed through an account through a cellular telephone comprising of a transaction data generator and a display for generating transaction data and making a call wherein the transaction can be billed to an account associated with the telephone

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number in (see page 3 [0025]-page 4[0032]) but fails to teach that a number to be called can be display to a user before calling.

Apte teaches a mechanism for enabling secure electronic transaction on the internet wherein a telephone number to call can be given to a user during a transaction in (see col. 3 lines 39-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Apte into that of the combination thus making user aware of a telephone number to call as part of a transaction algorithm to complete a purchase and confirming a transaction for security/billing reasons

Regarding claims 5 and 7, The combination renders the claimed subject matter obvious.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwan (US 2002/0147658) in view of Apte (US Pat# 5,778,173) and further in view of Showghi et al. (US Pat# 6,473,739) or Utsunomiya (US 2002/0010678).

Regarding claim 6, the combination fails to teach the claimed subject matter but either Showghi teaches a method of providing a plurality of payment options in (see fig. 4) or (see figs. 3-6 of Utsunomiya).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Showghi or Utsunomiya into that of the combination thus making it possible to provide the advantage of offering a plurality of payment option to suit needs of consumers instead of one payment means.

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Claims 11, 12 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili (US Pat# 6,088,683) in view of Kwan (US 2002/0147658) and further in view of Apte (US Pat# 5,778,173).

Regarding claims 11 and 18, the combination fails to teach the claimed subject matter but Apte teaches a mechanism for enabling secure electronic transaction on the internet wherein a telephone number to call can be given to a user during a transaction in (see col. 3 lines 39-59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Apte into that of the combination thus making user aware of a telephone number to call as part of a transaction algorithm to complete a purchase and confirming a transaction for security/billing reasons

Regarding claim 12, The combination teaches approval of a transaction including payment identifier/data.

Regarding claim 19, It would have been obvious to one of ordinary skill to be able to display a telephone number to complete a transaction for any payment means.

Regarding claim 20, The combination teaches payment of a transaction either through a telephone account or accredit card means and crediting a merchant for purchased items.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili (US Pat# 6,088,683) in view of Kwan (US 2002/0147658) and further in view

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of Apte (US Pat# 5,778,173) and further in view of Showghi et al. (US Pat# 6,473,739) or Utsunomiya (US 2002/0010678).

Regarding claim 13, the combination fails to teach the claimed subject matter but either Showghi teaches a method of providing a plurality of payment options in (see fig. 4) or (see figs. 3-6 of Utsunomiya).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Showghi or Utsunomiya into that of the combination thus making it possible to provide the advantage of offering a plurality of payment option to suit needs of consumers instead of one payment means.

Regarding claim 14, The combination including Kwan teaches the ability to bill payment of a transaction to an account associated with a telephone number.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
12/22/04

RBarnie
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